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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,500	12/02/2004	Juan Luis Hancke Orozco	Herbal Powers	4925
22925 7590 07/02/2010 PHARMACEUTICAL PATENT ATTORNEYS, LLC 55 MADISON AVENUE 4TH FLOOR MORRISTOWN, NJ 07960-7397				
EXAMINER RAHMANI, NILOOFAR				
ART UNIT		PAPER NUMBER		
1625				
NOTIFICATION DATE		DELIVERY MODE		
07/02/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JUAN LUIS HANCKE OROZCO, and  
RAFAEL AGUSTIN BURGOS AGUILERA

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Appeal 2009-015020  
Application 10/516,500  
Technology Center 1600

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Before KIMBERLY R. JORDAN, *Division 1 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 9, 2009. A Docketing Notice was mailed on September 17, 2009. Upon review of the application and in view of the November 18, 2009 Petition Decision, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was timely filed in this application on December 7, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to consider the Reply Brief filed December 7, 2009, as indicated above; and
- 2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KRJ/lp

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